

**FAMILY AND MEDICAL LEAVE ACT****August 5, 1993**

<b>REQUEST FOR FMLA</b>		<b>ELIGIBILITY REQUIREMENTS</b>		<b>EMPLOYEE'S RIGHT</b>		<b>EMPLOYER'S RIGHT</b>
Up to 12 weeks paid or unpaid leave	→	Worked 1250 hours in preceding year <u>and</u> employed 12 months consecutively or non-consecutively		If the employee has leave & asks to use leave, he must be granted such leave up to 12 weeks. The leave can be taken either in a block or intermittently.	→	If employee has leave but does not want to use leave, the employer can force employee to use leave.
		Yes?	↗			
		No?	→	Not Qualified		
↙	←	←	←	←	←	←
<b>QUALIFYING EVENTS</b>	→	<b>TYPE OF LEAVE TO BE USED</b>	→	<b>LENGTH OF ABSENCE</b>	→	<b>SERIOUS HEALTH CONDITION</b>
1. Birth of a child (maternal)	→	Sick, Annual, Non-FLSA K-Time		A. If employee's spouse also works for the state, they would share the 12 weeks for #1, #2, #3 and #4 under Qualifying Events.		1. In patient care
2. Birth of a child (paternal)	→	Annual, Non-FLSA K-Time				2. Recovery
3. Adoption or placement of a child	→	Annual, Non-FLSA K-Time (mandatory)				3. Continuous treatment
4. To care for an employee's own parent	→	Annual, Non-FLSA K-Time (mandatory)		B. For #5 or #6 under Qualifying Events, both spouses receive 12 weeks or the remaining FMLA eligibility.		4. Unable to perform function of position
5. To care for child or spouse with severe health condition	→	Annual, Non-FLSA K-Time (mandatory)				5. Physician certification
6. For employee's serious health condition	→	Sick, Annual, Non-FLSA K-Time				6. See examples on page 12 (Federal Regulation)
↙	←	←	←	←	←	←
<b>NOTICE REQUIREMENTS &amp; CERTIFICATION</b>	→	<b>MAINTENANCE OF BENEFITS</b>	→	<b>EXHAUSTION OF SICK LEAVE</b>	→	<b>RIGHT OF APPEAL</b>
A. 30 days advanced notice to employer, if possible		When an employee is on unpaid leave:		Civil Service Rule 12.6 may be applied only after the provisions of FMLA are satisfied.		A. Any complaint by an employee is addressed through the Agency's grievance procedure or through the Department of Labor or through a civil court action.
B. Medical certification or legal notice		A. Retirement (employee earns eligibility credit if vested)				
C. Periodic reports		B. Health/Life Insurance: Employee must contact unit human resource manager to arrange for employer to pay for both parts of Insurance premiums.				B. An employee who utilizes FMLA is still entitled to his vacation time.
D. Fitness for duty to return to work.						